



OFFICE FOR FOREIGN AFFAIRS  
PRINCIPALITY OF LIECHTENSTEIN

## **Comments by Liechtenstein on the Zero-draft of the Chair of the OEWG**

Dominic Sprenger, First Secretary, Office for Foreign Affairs

Informal Session, 18<sup>th</sup> – 22<sup>nd</sup> February 2021 / New York (virtual)

Mr Chairman,

Liechtenstein is grateful for your efforts and the effort of your team to provide us with a very solid zero draft. Given the intense and inclusive consultations on this report so far, we consider your draft a generally accurate reflection of our discussions and close to where we see the end result while we will engage with others in a fine-tuning to find the overall right balance.

We support your ambition for a comprehensive reflection of the rich discussions in the OEWG, as we believe this provides a useful basis to move our discussion forward.

We call on others to engage constructively on the basis of this text. Attempts to deviate our discussions, such as suggestions to overhaul the overall approach, are not helpful at this stage as we have a collective interest for this working group to harvest the results of its generally constructive and rich discussions. Failure to do so will undermine the format of the OEWG itself, possibly in permanent manner.

While we are committed to the applicable modalities of the OEWG we do not accept an interpretation of consensus that collectively limits us to the lowest level of ambition. The future of the OEWG as a format for our cyber security discussions depends on its potential to reflect the ambition of the large majority of States engaging in it.

Before commenting on parts of the report, let me underline, that our national position significantly diverges from or is incompatible with certain positions expressed in the zero draft (notably the second part of paragraph 32). But that is to be expected in this kind of exercise and we seriously hope that other delegations will heed the consensus that we had a rich and diverse discussion over the last one and half years.

We do generally support the recommendations of the report, which reflect broadly supported views in the membership, while we also think they could be further developed. In particular, the report could be more ambitious as regards the role of the Secretary-General in collecting, compiling and consolidating relevant information from States and other sources, also proactively.

On the part reflecting the discussion on international law we would like to propose the following addition in order to ensure our discussions are comprehensively reflected in the report:

31bis (flexible on placement): The importance to increase compliance with international law in the use of ICTs was raised as well as the need to ensure accountability for violations of international law with a view to strengthening its deterrent effect. The importance of attribution was underlined both with regard to State responsibility and individual criminal responsibility, and with respect to the latter the relevance of the application of the Rome Statute in the cyber context was raised. In this context the possibility of a robust global attribution framework to complement the work of existing national and international courts was also raised.

Thank you